

## **REMARKS**

Claims 5-9 and 40-53 remain in the application. Reconsideration of the application in view of the remarks to follow is requested.

Claims 5-9, 40-49 and 51-53 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hsiao (6,291,286). Hsiao has a filing/priority date of November 27, 1998. The present application is a divisional of U.S. Patent No. 6,348,366 (filed May 11, 1999), which is a divisional of U.S. Patent No. 6,004,835 (filed April 25, 1997) (see "Related Patent Data" section of the preliminary amendment filed 6/29/01 with the present application). That is, the present application has a priority date of April 25, 1997 which is prior to the filing/priority date of Hsiao of November 27, 1998. Consequently, Hsiao is not prior art to the present application, and therefore, can not be properly presented in a rejection. The anticipation rejection based on Hsiao is improper and must be withdrawn.

Claims 5-9 and 40-53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cooper et al. (5,604,159) in view of Bothra (6,277,708). Bothra has a filing date of September 14, 1999 with a priority date of March 31, 1998. The priority date of April 25, 1997 for the present application is prior to the March 31, 1998 priority date of Bothra. Consequently, Bothra is not prior art to the present application, and therefore, can not be properly presented in a rejection. The obviousness rejection based on the combination of Cooper and Bothra is improper and must be withdrawn.


No additional rejections are presented against claims 5-9 and 40-53, and therefore, the claims are allowable.

Respectfully, if the Examiner presents new rejections based on new art in a subsequent action, the Examiner is reminded that the subsequent office action must be a **non-final** action pursuant to M.P.E.P. §706.707 (8<sup>th</sup> Ed.) and 37 C.F.R. §1.113.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

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